

Exhibit A

1

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1 UNITED STATES DISTRICT COURT

1 SOUTHERN DISTRICT OF NEW YORK

2 -----x

4 IN RE: GM IGNITION SWITCH LITIGATION 14 MD 2543

6 -----x

9 August 11, 2014

9 11:10 a.m.

14 Before:

15 HON. JESSE M. FURMAN,

16 District Judge

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1 time for lunch, at which point we will break and then when we
2 come back, I will hear from anyone who wishes to be heard with
3 respect to an application for one of those positions.

4 Needless to say, there is a lot to cover, so I intend
5 to keep things moving. I would ask you to all be mindful of
6 the fact that we have a lot to cover as well, so be economical
7 in your own remarks. And again just a reminder, please
8 identify yourselves and spell your names so that the Court
9 Reporter can make an accurate record.

10 Let me also just note that throughout the
11 litigation -- and today is no exception -- I am likely to ask
12 lead counsel and defense counsel to submit proposed orders
13 after any conferences that we hold just to ensure that we make
14 an accurate record and everyone is on the same page. Again
15 today is no exception, so I would just ask you all to pay
16 attention and make good notes on what we're doing so that you
17 can submit an accurate proposed order.

18 With that let me turn to the sort of general
19 principles and housekeeping items that I mentioned as first on
20 the agenda.

21 Number one, let me say my intention is to do
22 everything in my power to ensure and comply with Rule No. 1 of
23 the Federal Rules of Civil Procedure; namely, to ensure that
24 this is a just, speedy and inexpensive determination of the
25 disputes here. That is obviously a massive challenge in this

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1 particular circumstance because at present I think by my count,
2 there are 109 cases, they're pretty substantial cases and this
3 is a pretty complex litigation. That is certainly my task, my
4 challenge, and my mission, and I will do everything in my power
5 to ensure that it is done.

6 By "just," that means justice for both sides to ensure
7 that the resolution, whenever it happens, is fair to both
8 sides, the process is fair to both sides, and within the
9 plaintiffs' side, that is fair to all plaintiffs, in my
10 judgment. As you know, the structure that I have adopted for
11 counsel is appropriate given my present understanding of the
12 case and the present composition of the multidistrict
13 litigation.

14 I intend to monitor both of those, that is my
15 understanding of the litigation and the issues in the
16 litigation as well as the conduct of any counsel that I appoint
17 to leadership positions and I am not adverse to modifying the
18 structure or even specific appointments if the circumstances
19 warrant it.

20 I am also going to be sensitive about stepping on the
21 toes of Judge Gerber and the bankruptcy proceeding and ensuring
22 an orderly process of the litigation of any issues before the
23 bankruptcy court, mindful of the bankruptcy court's exclusive
24 jurisdiction. I will do what I can for that matter to
25 facilitate that litigation in his jurisdiction, but at the same

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1 time I want to ensure that to the extent that there is
2 litigation going on before me, that will ultimately go on
3 before me, that we do what we can do to make sure that we are
4 proceeding as efficiently and speedily as we can.

5 In that regard, my intention, as I think I made clear
6 in the order last week, is to advance the litigation as much as
7 possible, both to push forward cases that will not ultimately
8 or plausibly be subject to any ruling or order by the
9 bankruptcy court, and to ensure once there is a ruling from the
10 bankruptcy court, and any appeals from whatever that ruling is,
11 whatever claims are left can proceed expeditiously and are in a
12 position to do so.

13 I also intend throughout the litigation to encourage
14 settlement as much as possible. Ultimately the best outcome
15 for everybody is one that is negotiated by the parties
16 involved. You are the ones with both the technical expertise
17 and the better understanding and knowledge about the issues in
18 the litigation. I think it is obviously pretty early to do
19 that at this point, and my sense from having read the letters
20 that you submitted -- which I should note were extremely
21 helpful to me -- is it is premature to really get into that.

22 I do want to set up a structure sooner rather than
23 later to facilitate meaningful settlement discussions, and one
24 of the things I do want to focus on if not today, then soon is
25 what discovery would be helpful or necessary in order to

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1 as we're looking at what the appropriate time is to move.

2 THE COURT: Let me turn to temporary lead counsel and
3 just get your thoughts on this, mindful of the concern that I
4 articulated.

5 MR. BERMAN: Steve Berman.

6 You asked in Question 2 what were the nature of the
7 claims against Delphi, and Delphi built the ignition switch per
8 GM's spec, but the company knew that the switches as built did
9 not meet that spec, so they have been sued because of that.

10 The other defendant, Continental Automotive, built the
11 airbags, but they built them according to GM specification, as
12 we now understand the facts. The claims against Delphi and
13 Continental are for conspiracy, fraudulent concealment and
14 RICO.

15 What we think makes the most sense here, and we
16 suggest to the court is the role of those defendants will be on
17 our minds when we're preparing the consolidated complaint. In
18 the Toyota case, by way of example, you had hundreds of claims
19 that were brought before the consolidated complaint. All kinds
20 of defendants were named. At the end of the day, after
21 consulting with the executive committee and many claimants out
22 there, there were no other defendants other than Toyota, and
23 that may be the case here. I don't know it is the case because
24 lead counsel, whoever they are, will have to consult with the
25 plaintiffs' group out there. It could be one of the reasons I

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1 think you want the consolidated complaint to go forward is to
2 eliminate, if that is going to be the case, defendants who
3 probably want to know whether they're going to be in or out of
4 this litigation.

5 THE COURT: What I hear you saying is that there are
6 concerns here, but we ought to just defer them until later and
7 when you have a better sense of the claims you're pressing and
8 so forth. Is that correct?

9 MR. BERMAN: That's correct. We have already agreed
10 to meet with counsel for Delphi and get further clarification
11 on their role and consider that as well.

12 THE COURT: All right. Very good.

13 MR. SCHOON: Thank your Honor.

14 THE COURT: Turning to No. 3, the question of whether
15 I should withdraw the reference with respect to any claims or
16 proceedings that are currently pending before the bankruptcy
17 court. This is an issue on which I did share my preliminary
18 views; namely, I am disinclined to go that route because of the
19 interrelated nature of the claims in this case, on the theory
20 Judge Gerber is in a better position to interpret his prior
21 orders and figure out what is and isn't subject to those orders
22 and that it will just cause undue complications to withdraw the
23 reference as to some subset of claims or proceedings.

24 This is definitely an area where I might benefit from
25 some education and argument from counsel. It may be something

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1 that warrants some sort of motion practice or briefing, which
2 is to say, that maybe this is something that I hear from you
3 but we decide should be briefed. Let me turn to temporary lead
4 counsel and ask you to address this.

5 MS. CABRASER: Good morning, your Honor. Elizabeth
6 Cabraser, temporary lead counsel.

7 We think the court's insight that the consolidated
8 complaint should be filed sooner rather than later provides the
9 key to this issue. You heard from GM's counsel on how they
10 categorize the claims. We categorize them somewhat differently
11 based on our review of the complaints thus far.

12 We see many claims arising from post-bankruptcy
13 purchases of post-bankruptcy vehicles. We see many
14 post-bankruptcy crashes. We see many complaints, at least 36,
15 that allege conduct on the part of new GM that began after the
16 sale.

17 The complaints, because they were filed at different
18 times by different counsel with different perspectives
19 representing clients with different circumstances, don't
20 provide a key or categorization of those claims. We think the
21 role of the consolidated complaint is to set forth in separate
22 counts and separate sections an organization of claims so that
23 we have a basis for discussion and briefing after the
24 consolidated complaint is on file as to whether and to what
25 extent a withdrawal of the reference is necessary or

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